

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:20-cr-0008
)	
KEYUR HIRENBHAI PATEL,)	
)	
Defendant.)	
)	

ORDER

BEFORE THE COURT is the is the joint motion of the United States and Keyur Hirenbbhai Patel (“Patel”) to continue the April 26, 2021 trial in this matter. (ECF No. 48.) For the reasons stated herein, the time to try this case is extended up to and including October 4, 2021.

On February 24, 2020, the United States filed an information against Keyur Hirenbbhai Patel charging him with two counts: (1) making a false statement to a federal officer in violation of 18 U.S.C. § 1001(a)(2); and (2) re-entry of a removed alien in violation of 8 U.S.C. § 1326(a). The trial date is presently set for April 26, 2021.

On April 12, 2021, the United States and Patel filed a motion to continue the trial date. (ECF No. 48.) As a basis for the request, the United States and Patel asserts that Patel has filed a petition seeking asylum in the United States for a credible fear that drove him from his native country. *Id.* at 1. As such, the United States and Patel jointly seek to continue the trial such that the proceedings in this matter do not unduly prejudice Patel’s asylum application.

While the Speedy Trial Act requires that defendants be tried within seventy days of indictment, the Court specifically finds that extending this period would be in the best interest of justice. Here, an extension of time is necessary to allow Patel time to complete the asylum application process, which may affect the outcome of this matter.

Consistent with this concern, the United States Court of Appeals for the Third Circuit has recognized that “whether or not a case is ‘unusual’ or ‘complex,’ an ‘ends of justice’

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continuance may in appropriate circumstances be granted.” *United States v. Fields*, 39 F.3d 439, 444 (3d Cir. 1994); *cf. United States v. Dota*, 33 F.3d 1179 (9th Cir. 1994) (“An ends of justice continuance may be justified on grounds that one side needs more time to prepare for trial [even if the] case [i]s not ‘complex.’”); *United States v. Lattany*, 982 F.2d 866, 883 (3d Cir. 1992) (“[T]he district court did not abuse its discretion when it delayed the trial to give counsel . . . opportunity to . . . decid[e] upon and prepar[e] an appropriate defense.”); *United States v. Brooks*, 697 F.2d 517, 522 (3d Cir. 1982) (holding there was no abuse of discretion where district court found that multiple count, multiple defendant “case was complex and required additional time for adequate preparation.”).

Further, in response to the COVID-19 pandemic, the Chief Judge of the District Court of the Virgin Islands entered a general order concerning operations of the Court on March 17, 2020. The Chief Judge has thus far extended the order eleven times, finding that the ends of justice require excluding March 18, 2020, through April 30, 2021, from the Speedy Trial count in all criminal matters.

To date, the COVID-19 virus has claimed more than 570,000 lives (27 of which have been in the U.S. Virgin Islands). Current testing indicates that the rate of contraction of the virus is slowing in recent weeks. Notwithstanding the decrease in the incidence of COVID-19 in the Virgin Islands over the past few weeks, the Court finds that a continuance of the trial date in this case is in the best interest of justice. As such, the Court finds that extending the period within which Defendants may be tried under the Speedy Trial Act is necessary for the protection and well-being of the Defendants, the jury, the prosecutors, the witnesses, the Court’s personnel, and the general public at large.

The premises considered, it is hereby

ORDERED that the joint motion of the United States and Keyur Hirenbbhai Patel to continue the trial in this matter, ECF No. 48, is **GRANTED**; it is further

ORDERED that the time beginning from the date of this order granting an extension through October 4, 2021, shall be excluded in computing the time within which the trial in this matter must be initiated pursuant to 18 U.S.C. § 3161; and it is further

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ORDERED that the trial in this matter previously scheduled for April 26, 2021, is **RESCHEDULED** to commence promptly at 9:30 A.M. on October 4, 2021, in St. Thomas Courtroom 1 before District Judge Robert A. Molloy.

Dated: April 23, 2021

/s/ Robert A. Molloy
ROBERT A. MOLLOY
District Judge